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**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

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BUTCH TONGATE  
Cabinet Secretary

BRUCE YURDIN  
Acting Deputy Secretary

**Certified Mail - Return Receipt Requested**

October 23, 2018

Mr. Rudy Guzman  
Guzman Construction Solutions, LLC  
5700 University Blvd. Suite 310  
Albuquerque, New Mexico 87105

Re: **Mirador Subdivision; Construction Stormwater; SIC 1522; NPDES Compliance Evaluation Inspection; NPDES #NMR1001AH; September 13, 2018**

Dear Mr. Guzman:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, detailed site observations, and findings noted during this inspection are discussed in the "NPDES Construction General Permit" section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston  
US Environmental Protection Agency, Suite 1200  
Enforcement Branch (6EN-WS)  
1445 Ross Avenue  
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager  
New Mexico Environment Department  
Surface Water Quality Bureau  
Point Source Regulation Section  
P.O. Box 5469  
Santa Fe, New Mexico 87502

Mr. Rudy Guzman  
October 23, 2018  
NMR1001AH

If you have any questions about this inspection report, please contact Daniel Valenta at 505-827-2575 or at [daniel.valenta@state.nm.us](mailto:daniel.valenta@state.nm.us).

Sincerely,

*/s/Shelly Lemon*

Shelly Lemon  
Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail  
David Long, USEPA (6EN-WM) by e-mail  
Amy Andrews, USEPA (6EN-WM) by e-mail  
David Esparza, USEPA (6EN-WM) by e-mail  
Robert Houston, USEPA (6EN-WS) by e-mail  
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail  
Nancy Williams, USEPA (6EN-WC) by e-mail  
Robert Italiano, NMED Region II by e-mail  
Mr. David Lopez, Guzman Construction, by e-mail



Form Approved  
OMB No. 2040-0003  
Approval Expires 7-31-85

## NPDES Compliance Inspection Report

### Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5 3 N M R 1 0 0 1 A H 11 12 1 8 0 9 1 3 17 18 }				19 S 20 2	
Remarks					
C O N S T R U C T I O N > 1 A C R E					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 1	71 N	72 N	73 74 75	80

### Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time /Date 1213/9-13-2018	Permit Effective Date 2-16-2017
Mirador Subdivision, Sherwood Blvd and NM HWY 4, White Rock, New Mexico 87544 Permit (#NMR1001AH) Los Alamos County	Exit Time/Date 1430/9-13-2018	Permit Expiration Date 2-16-2022
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data	
Mr. David Lopez/Estimator/505-452-0663 fax 505-452-0664 cell 505-273-1313 Mr. Kerby Odegaard/505-452-0663 fax 505-452-0664 cell 505-975-8854	LAT 35.8257 N LONG -106.2175 W	
Name, Address of Responsible Official/Title/Phone and Fax Number	SIC 1522	
Mr. Rudy Guzman, 5700 University Blvd Suite 310, Albuquerque, New Mexico 87105/505-452-0663 fax 505-452-0664	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

### Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
M	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
U	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	U	Storm Water	N	Other:

### Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. Please see further explanations for details.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Daniel Valenta /s/Daniel Valenta	NMED/SWQB 505-827-2575	10/23/2018
Signature of Management QA Reviewer	Agency/Office/Phone and Fax Numbers	Date
Jennifer Foote /s/Jennifer Foote	NMED/SWQB 505-827-2637	10/23/2018

**Mirador Subdivision  
Guzman Construction Solutions  
NMR1001AH**

**Further Explanations**

**Section I - Introduction**

On September 13, 2018 a Compliance Evaluation Inspection (CEI) was conducted by Daniel Valenta of the NMED SWQB accompanied by Sandra Gabaldon. The construction site entails a 50-acre disturbance located at Sherwood Blvd. and NM Hwy 4, White Rock, New Mexico 87544. The Mirador subdivision will consist of 161 planned residential homes. The site is in the process of being graded and leveled. The owner of the project is Trancor Development Corporation and the General Contractor for site development is Guzman Construction Solutions.

An entrance interview was conducted at the site with Mr. David Lopez of Guzman Construction Solutions at approximately 1225 when he arrived at the site on September 13, 2018. The inspector made introductions, presented his credentials and discussed the purpose of the inspection. A brief exit interview to discuss the preliminary findings of the inspection was conducted at the site with Mr. David Lopez at approximately 1420 on September 13, 2018. This report is based on a review of the EPA online notice of intent (eNOI) database, review of files maintained by NMED, readily available on-line aerial photographs, on-site observation by NMED personnel, and verbal information provided by the site representative.

The construction site is next to the Canada del Buey which discharges to the Rio Grande AU ID (NM-9000.A\_053). The Canada del Buey is an intermittent stream in Water Quality Standard segment 20.6.4.98 in the Rio Grande Basin. The designated uses for this segment are limited aquatic life, livestock watering, wildlife habitat and secondary contact.

**Section II – Observations Summary:**

**Permit:**

The owner of the project is Trancor Development Corporation who does not have permit coverage. Trancor Development Corporation has been assigned tracking number NMU001978. The General Contractor for site development is Guzman Construction Solutions and has applied and received CGP coverage, tracking number NMR1001AH.

Permit eligibility was certified as Criterion A for ESA considerations. There is documentation present in the SWPPP to confirm this criterion and documentation to confirm that National Historic Preservation Act requirements were met.

**SWPPP:**

The SWPPP documents the needed specifics related to the site and was available for review.

### Recordkeeping & Inspections:

Documentation was found in the SWPPP for corrective action, dates of BMP installation, and construction phase.

### BMPs/Implementation:

The site had effective BMP's in place around most of the work area to preventing sediment from leaving the disturbed area except for the area next to the Canada del Buey.

### Section III – Inspection Findings:

#### Design, Installation and Maintenance Requirements

##### Findings:

- BMP's along the Canada del Buey appear to be misplaced or missing completely. No buffer zone was in place or enhanced BMP's to act as 50-foot buffer. Buffer Compliance and Compliance Alternatives see CGP 2.2.1 and Appendix G – Buffer

#### Site Inspection Requirements

##### Findings:

- Per 7.2.8 staff training is not documented that personnel were trained per Part 6 CGP.

#### Corrective Actions

##### Findings:

- BMP problems along the Canada del Buey were noted in required site inspection report dated 8/8/2018. Per CGP section 5.2.3 when there is a need for BMP replacement or additions there is a time limit of 7-days to be completed. The corrections were noted as completed on 8/28/2018 and 9/11/2019. See attachment 1. It appears the repairs did not meet the 7-day requirement.

#### Permit Implementation (Site Review)

##### Findings:

- The buffer permit requirements are noted in the project SWPPP page 24. "Surface waters can be found within 50 feet of earth disturbing activities. The Operator will provide and maintain an undisturbed natural buffer that is less than 50 feet. It is supplemented by additional erosion and sediment controls, which in combination achieves the sediment load reduction equivalent to a 50-foot undisturbed natural buffer." The project SWPPP notes the site may discharge to a WOUS. However no buffer was retained or sediment load reduction equivalent put in place.
- Site inspection noted a lack of suffice BMP's, misplaced BMP's or complete absence of stormwater controls. See attached pictures and rain events on attachment 2.

**NMED/SWQB  
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: 9/13/2018	Time: 1254 hours
City/County: White Rock/Los Alamos		
Location: Sherwood Blvd and NM Hwy 4		
Subject: Entrance to Mirador Subdivision a 50-acre subdivision.		





**NMED/SWQB  
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: 9/13/2018	Time: 1342 hours
City/County: White Rock/Los Alamos		
Location: Sherwood Blvd and NM Hwy 4		
Subject: East side of subdivision which borders the Canada del Buey a waters of the US.		

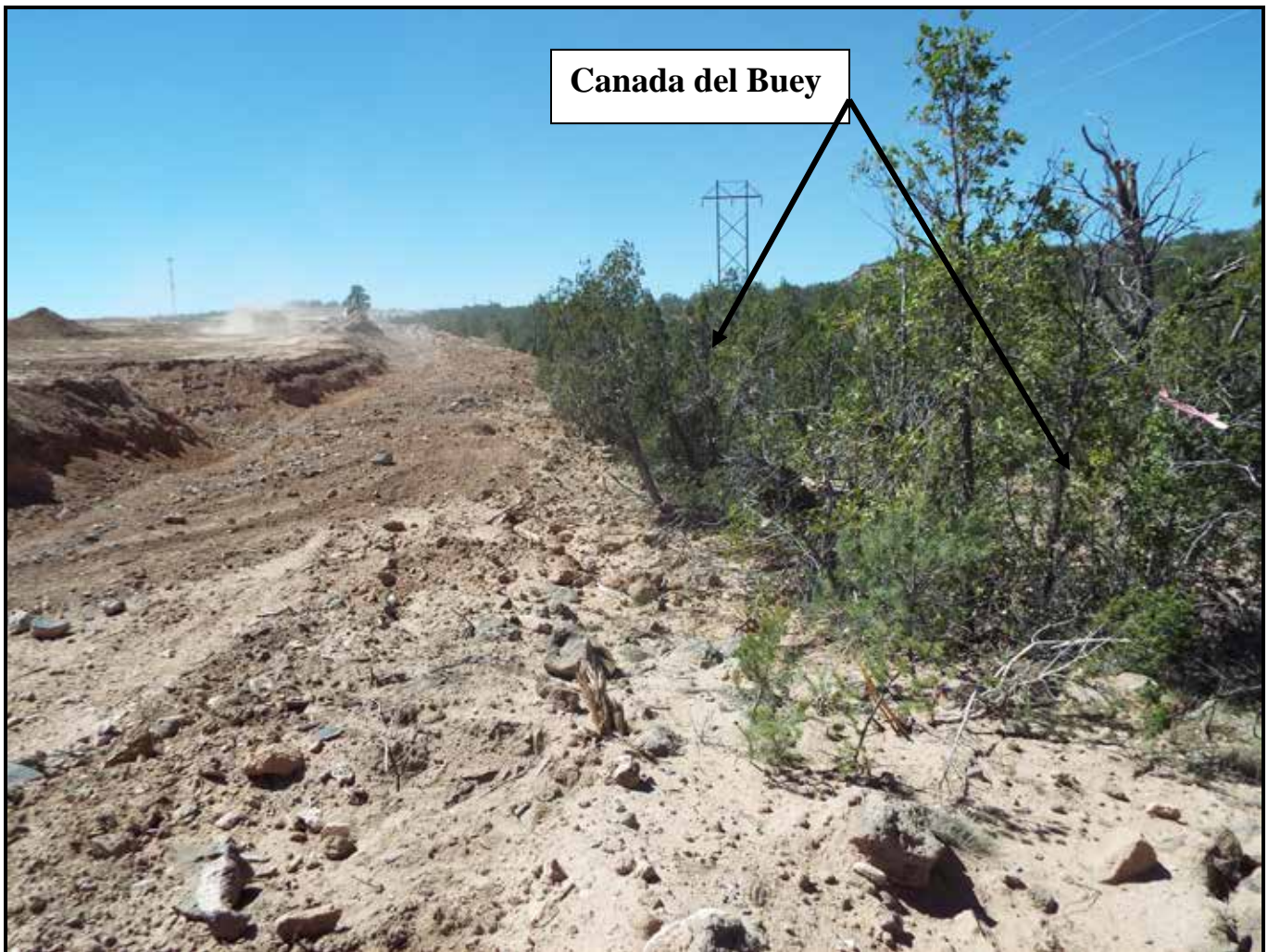


**NMED/SWQB**

**Official Photograph Log**

Photo # 3

Photographer: Daniel Valenta	Date: 9/13/2018	Time: 1351 hours
City/County: White Rock/Los Alamos		
Location: Sherwood Blvd and NM Hwy 4		
Subject: Construction activities have moved dirt up to the edge of the Canada del Buey.		





**NMED/SWQB**

**Official Photograph Log**

Photo # 4

Photographer: Daniel Valenta	Date: 9/13/2018	Time: 1350 hours
City/County: White Rock/Los Alamos		
Location: Sherwood Blvd and NM Hwy 4		
Subject: The Canada del Buey has no buffer zone or enhanced BMP's. The project did not apply for or receive a ACOE 404 permit.		



**NMED/SWQB**

**Official Photograph Log**

Photo # 5

Photographer: Daniel Valenta	Date: 9/13/2018	Time: 1352 hours
City/County: White Rock/Los Alamos		
Location: Sherwood Blvd and NM Hwy 4		
Subject: The Canada del Buey has no buffer zone or enhanced BMP's. The project did not apply for or receive a ACOE 404 permit.		





**NMED/SWQB**

**Official Photograph Log**

Photo # 6

Photographer: Daniel Valenta	Date: 9/13/2018	Time: 1352 hours
City/County: White Rock/Los Alamos		
Location: Sherwood Blvd and NM Hwy 4		
Subject: The Canada del Buey has no buffer zone or enhanced BMP's. The project did not apply for or receive a ACOE 404 permit.		



# Attachment 1

Project:

Guzman Construction for Mirador Subdivision.

**Corrective Action Log**

Number	Corrective Action Needed	Date Action Noted	Date Corrected	Date Correction Noted By Inspector
01	Provide SWPPP book on site.	06/20/18		06/27/18
02	Post NOI at construction entrance.	06/20/18		06/27/18
03	Add rock to current construction entrance/ exit.	06/20/18	06/26/18	07/05/18
04	No additional site BMP corrective actions noted at the time of inspection.	06/27/18		06/27/18
05	No site BMP corrective actions noted at the time of inspection.	07/05/18		07/05/18
06	No site BMP corrective actions noted at the time of inspection.	07/11/18		07/11/18
07	No site BMP corrective actions noted at the time of inspection.	07/18/18		07/18/18
08	No site BMP corrective actions noted at the time of inspection. Active watering at time of inspection.	07/25/18		07/25/18
09	No site BMP corrective actions noted at the time of inspection. Active watering at time of inspection. Stockpiles protected with earth grubblings, major outfall locations also protected with earth grubblings/ "earth berms" and silt fence.	08/01/18		08/01/18
10	Earth work on the East end of the site, near the Canada Del Buey arroyo, sediment has transferred to arroyo limits. Silt fence or similar BMP should be added per Erosion Control Plan.	08/08/18	09/11/18 08/28/18	09/12/18
11	No additional site BMP corrective actions noted at the time of inspection. Active watering at time of inspection.	08/15/18		08/15/18
12	Blasting continues. No additional site BMP corrective actions noted at the time of inspection. Active watering at time of inspection.	08/22/18		08/22/18
13	No additional site BMP corrective actions noted at the time of inspection. Active watering at time of inspection.	08/29/18		08/29/18
14	No additional site BMP corrective actions noted at the time of inspection. Inspectors rain log and erosion control map updated to reflect current conditions.	09/05/18		09/05/18



**Date: 09/12/18**

**Project:** Guzman Construction for Mirador Subdivision.

## Corrective Action Log

<b>Number</b>	<b>Corrective Action Needed</b>	<b>Date Action Noted</b>	<b>Date Corrected</b>	<b>Date Correction Noted By Inspector</b>
15	Empty hazmat containers on ground near service truck and rock crusher. Secondary containment required for hazmat storage.	09/12/18	Per Kirby, hazmat to be collected and removed.	09/13/18

**SWPPP Management Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Attachment 2

## Rain Event Log

[illegible]

**Notes:**

Check Custom Tab to make sure there is nothing added which would be considered incorrect or inappropriate:

